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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
BHATIA, AJAY M

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/049,522	HEYMANN ET AL.
	Examiner	Art Unit	
	Ajay M. Bhatia	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 October 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>20-38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>20-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1.   Claims 27-32 and 37 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claimed invention in the use of the term "A computer program product" fail to limit the claim to tangible embodiments.

Claim Objections

2.   Claims, specification and drawings need to be started on a new page. Additionally amendments to claims, specification or drawing also need to start on a new page. For example an amendment to the claims should not be on the same page as an amendment to the specification.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 20-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Brandt (U.S. Patent 5,892,905).

5.   For claim 20, Brandt teaches, a method for communication between a client

computer and a server computer, both computers using the hypertext transfer protocol

(HTTP), the client computer using an HTTP-browser, the method comprising the

following steps:

        sending a first request from the client computer to the server computer;

        upon receiving the first request, the server computer, (i) allocating a resource at

the server computer, the resource with an identifier, and (ii) returning a predetermined

close instruction to the browser, the close instruction carrying the identifier;

        upon unloading the close instruction from the browser of the client computer,

sending a second request from the client computer to the server computer, the second

request carrying the identifier and indicating to de-allocate the resource; and

        upon receiving the second request from the client computer, by the server

computer de-allocating the resource. (de-allocation is interpreted as deleting, removing

from use temporally or permanently, re-assigning, or temporally removing the use of)

(see Brandt, Col. 5 lines 5-67, Col. 8 lines 31-39, Col. 11 lines 15-24, Col. 17 lines 6-24)

6.   For claim 21, Brandt teaches, the method of claim 20, wherein after the server

computer has returned the predetermined close instruction, and before the server

computer receives the second request from the client computer, the server computer

consecutively sends content pages to the client computer. (see Brandt, Col. 17 lines 25-

45)

7.   For claim 22, Brandt teaches, the method of claim 21, wherein in the step

returning a predetermined close instruction, the browser presents the close instruction

in a first frame and presents the content pages in a second frame. (see Brandt, Col. 18

lines 38-45, it is inherent feature of a browser to display content in any of a multiple

frames)

8.   For claim 23, Brandt teaches, the method of claim 21, wherein the close

instruction prevents selected content pages from being cached by the browser. (see

Brandt, Col. 18 lines 38-45, a inherent feature of purging cached files is nothing is able

to be cached)

9.   For claim 24, Brandt teaches, the method of claim 20, wherein in the step

sending a second request, the client computer sends the second request to a

predetermined address of the server computer. (see Brandt, Col. 7 lines 55-60, it is

necessary to know the address of a device to communicate with it in a network)

10.   For claim 25, Brandt teaches, the method of claim 20, wherein in the step

returning a predetermined close instruction, the predetermined close instruction

comprises script. (see Brandt, Col. 28 lines 33-56)

11.   For claim 26, Brandt teaches, the method of claim 20, wherein in the step

returning a predetermined close instruction, the script does not lead to a presentation by

the browser. (see Brandt, Col. 18 lines 38-45, close of an applicant inherently prevents

communication with the application and display of any information)

12.   Claims 27-35 list all the same elements of claims 20-26, but in product, medium

and system form rather than method form. Therefore, the supporting rationale of the

rejection to claim 20-26 applies equally as well to claims 27-35.

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

14.   Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Brandt in view of Special Edition Using Windows with 95 Internet Explorer 4.0 (referred

to as Windows).

15.   For claim 36, Brandt teaches, a method for communication between a client

computer and a server computer, both computers using the hypertext transfer protocol

(HTTP), the client computer using an HTTP-browser, the method comprising the

following steps:

sending a request from the client computer to the server computer;

upon receiving the request, the server computer:

allocating a resource at the server computer, the resource with an

identifier, returning a close instruction to the client computer, the close instruction and

the identifier,

upon receiving the close instruction, the client computer (see Brandt, Col. 5 lines

5-67, Col. 8 lines 31-39, Col. 11 lines 15-24, Col. 17 lines 6-24)

Brandt fails to clearly disclose, time-out period (T), with the time-out period (T),

measuring the time (t) during that communication between the client computer and the

server computer is idle, and de-allocating the resource when the measured time (t)

reaches the time-out period (T); and measuring the time (t) during that the

communication between the client computer and the server computer is idle, displaying

a warning to the user if the measured time (t) reaches a predetermined fraction

([fraction (T/X)]) of the time-out period (T).

Windows teaches, time-out period (T), with the time-out period (T), measuring the time

(t) during that communication between the client computer and the server computer is

idle, and de-allocating the resource when the measured time (t) reaches the time-out

period (T); and measuring the time (t) during that the communication between the client

computer and the server computer is idle, displaying a warning to the user if the

measured time (t) reaches a predetermined fraction ([fraction (T/X)]) of the time-out

period (T). (T/X is defined as anytime before the connection fully times-out a de-

allocation takes place) (see Windows, see cited page from chapter 17)

It would have been obvious to on of ordinary skill in the art at the time of the invention was made to combine the system of Brandt and the Window's method of giving a warning and disconnecting, because it is well know in the art at the time of the invention that using features that integrate of the Operating System reduces the amount of devolvement and design to create system that operate on that operating system. (see Brandt, Col. 1 lines 45-56 and Col. 3 lines 35-40)

Claim 37 list all the same elements of claim 36, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 36 applies equally as well to claim 37.

For claim 38, Brandt-Windows teaches, a method for communication between a client computer and a server computer, both computers using the hypertext transfer protocol (HTTP), the client computer using an HTTP-browser;
the method comprising the following steps:

    sending a first request from the client computer to the server computer;

    allocating a resource at the server computer, the resource with an identifier;

returning a predetermined response page to the browser, the response page carrying the identifier and carrying browser instructions;

as instructed by the response page, periodically sending the second requests by the

browser to the server computer, the second requests carrying the identifier; and

at the server computer, periodically checking the arrival of the second requests

with the identifier from the client computer and de-allocating the resource in case a

predetermined time period (T) has lapsed since the last arrival. (see Brandt, Col. 5 lines

5-67, Col. 8 lines 31-39, Col. 11 lines 15-24, Col. 17 lines 6-24) and (see Windows, see

cited page from chapter 17) The same motivation that was utilized in the rejection of

claim 17, applies equally as well to claim 19.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-

3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jason Cardone
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AB